

APPEAL NO. 030346
FILED MARCH 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 14, 2003. With respect to the disputed issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury to her back on _____, and had disability as a result of this compensable injury from August 8, 2002, through January 14, 2003 (the date of the CCH). In addition, the hearing officer resolved that the appellant (carrier) waived the right to contest the compensability of the claimed injury by not timely contesting the injury in accordance with Section 409.021. The carrier appeals the injury and disability determinations on sufficiency of the evidence grounds. The claimant responds, urging that the hearing officer be affirmed. As neither party appealed the carrier waiver determination, it has become final under Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____, and had disability from August 8, 2002, through January 14, 2003, as a result of said compensable injury. The claimant testified that she injured her back while stocking heavy boxes in the storeroom at work. She testified that her back injury continued to keep her from working. The medical records introduced support the claimant's allegations. The carrier presented conflicting evidence on both the compensability and the disability issues. Under the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer was acting within his province as the fact finder in resolving the evidence in favor of the claimant and nothing in our review of the record demonstrates that the hearing officer's determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**BARRY E. CROMBAR II
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge